

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DAQUAN LAMONT STEVENS,

Plaintiff,

v.

STATE OF GEORGIA, et al.,

Defendants.

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CIVIL ACTION FILE  
NO. 1:13-CV-3313-TWT

**ORDER**

This is a pro se prisoner civil rights action. It is before the Court on the Report and Recommendation [Doc. 11] of the Magistrate Judge recommending dismissing the action as frivolous. The Court approves and adopts the Report and Recommendation as the judgment of the Court. This action is DISMISSED. Rule 15(a) of the Federal Rules of Civil Procedure provides that leave to amend “shall be freely given when justice so requires.” However, leave to amend may be denied where there has been undue delay or where the amendment would be futile. Espey v. Wainwright, 734 F.2d 748, 750 (11<sup>th</sup> Cir. 1984); Burger King Corporation v. C. R. Weaver, 169 F.3d 1310, 1319 (11<sup>th</sup> Cir. 1999). The Motion to Amend Complaint [Doc. 13] is DENIED as futile.

SO ORDERED, this 16 day of January, 2014.

/s/Thomas W. Thrash  
THOMAS W. THRASH, JR.  
United States District Judge